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## **DEPARTMENT OF COMMERCE**

### **National Telecommunications and Information Administration**

#### **47 CFR Part 300**

**Docket Number 121214713-2713-01**

**RIN 0660-XC004**

### **Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management**

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Final Rule.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) hereby makes certain changes to its regulations, which relate to the public availability of the

Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). Specifically, NTIA updates the version of the Manual of Regulations and Procedures for Federal Radio Frequency Management with which federal agencies must comply when requesting use of the radio frequency spectrum.

**EFFECTIVE DATE:** This regulation is effective on [insert date of publication in the **Federal Register**]. The incorporation by reference of certain publications listed in the rule is approved by the Director of the **Federal Register** as of [insert date of publication in the **Federal Register**].

**ADDRESSES:** A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW, Room 1087, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** William Mitchell, Office of Spectrum Management, at (202) 482-8124 or [wmitchell@ntia.doc.gov](mailto:wmitchell@ntia.doc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Background**

NTIA authorizes the U.S. Government's use of the radio frequency spectrum. 47 U.S.C. 902(b)(2)(A). As part of this authority, NTIA developed the NTIA Manual to provide further

guidance to applicable federal agencies. The NTIA Manual is the compilation of policies and procedures that govern the use of the radio frequency spectrum by the U.S. Government. Federal government agencies are required to follow these policies and procedures in their use of the spectrum.

Part 300 of title 47 of the Code of Federal Regulations provides information about the process by which NTIA regularly revises the NTIA Manual and makes public this document and all revisions. Federal agencies are required to comply with the specifications in the NTIA Manual when requesting frequency assignments for use of the radio frequency spectrum. *See* 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp. at 158.

This rule updates section 300.1(b) of title 47 of the Code of Federal Regulations to specify the version of the NTIA Manual with which federal agencies must comply when requesting frequency assignments for use of the radio frequency spectrum. In particular, this rule amends section 300.1(b) by replacing “May 2011” with “May 2012.” *See* Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management, 76 FR 56984, 56984-85 (Sept. 15, 2011) (revising the Manual through May 2011). Upon the effective date of this rule, federal agencies must comply with the requirements set forth in the 2008 edition of the NTIA Manual, as revised through May 2012.

The NTIA Manual is scheduled for revision in January, May, and September of each year and is submitted to the Director of the **Federal Register** for Incorporation by Reference

approval. The Director of the **Federal Register** approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and part 51 of title 1 of the Code of Federal Regulations. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903-008-00000-8. A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW, Room 1087, Washington, DC 20230, or call William Mitchell on (202) 482-8124, and available online at <http://www.ntia.doc.gov/page/2011/manual-regulations-and-procedures-federal-radio-frequency-management-redbook>. The NTIA Manual is also on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

### **Paperwork Reduction Act**

This action does not contain collection of information requirements subject to the Paperwork Reduction Act (PRA). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the PRA, unless that collection displays a currently valid OMB Control Number.

### **Executive Order 12866**

This rule has been determined to be not significant for purposes of Executive Order 12866.

### **Administrative Procedure Act/Regulatory Flexibility Act**

NTIA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment as it is unnecessary. This action amends the regulations to include the date of the most current version of the NTIA Manual. These changes do not impact the rights or obligations of the public. The NTIA Manual applies only to federal agencies. Because these changes impact only federal agencies, NTIA finds it unnecessary to provide for the notice and comment requirements of 5 U.S.C. 553. NTIA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the reasons provided above. Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

### **Congressional Review Act**

The NTIA Manual provides for the policies and procedures for federal agencies' use of the radio spectrum. The NTIA Manual and the changes thereto do not substantially affect the rights or obligations of the public. As a result, this notice is not a "rule" as defined by the Congressional Review Act, 5 U.S.C. 804(3)(C).

### **Executive Order 13132**

This rule does not contain policies having federalism implications as that term is defined in EO 13132.

### **List of Subjects in 47 CFR Part 300**

Incorporation by reference, Radio.

### **Regulatory Text**

For the reasons set forth in the preamble, NTIA amends title 47, Part 300 as follows:

### **PART 300--MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT**

1. The authority citation for Part 300 continues to read as follows:

**Authority:** 47 U.S.C. 901 et seq., Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

2. Section 300.1 (b) is revised to read as follows:

**§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for  
Federal Radio Frequency Management.**

\* \* \* \* \*

(b) The federal agencies shall comply with the requirements set forth in the 2008 edition of the NTIA Manual, as revised through May 2012, which is incorporated by reference with approval of the Director, Office of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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Dated: December 17, 2012\_\_\_\_\_.

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Lawrence E. Strickling,

Assistant Secretary for Communications and Information.